

# THE EXAMINER.

"PROVE ALL THINGS; HOLD FAST THAT WHICH IS GOOD."

LOUISVILLE, KY.: SATURDAY, OCTOBER 9, 1847.

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## THE EXAMINER.

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Notes on the Ordinance of 1787.

In the history of the Ordinance of 1787, published in the National Intelligencer on the 6th of the present month, there are several errors, which, before they become "fixed facts," should be corrected. These are furnished materials for the correction of the same.

On the first of March, 1784, a committee, consisting of Mr. Jefferson, of Virginia; Mr. Chase, of Maryland; and Mr. Howell, of Rhode Island, submitted to Congress the following Plan for the temporary government of the Western Territory:

The committee appointed to prepare a plan for the temporary government of the Western Territory have agreed to the following resolutions:

Resolved, That the territory ceded or to be ceded by individual States to the United States, when the said States shall have been admitted as States into the Union, shall be divided into three equal parts, to be known as the Ohio, the Lake Erie, and the Lake Michigan Territory, and that the said three Territories shall be organized as follows:

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without the clause prohibiting slavery and involuntary servitude after the year 1800. On the question to agree to the report, after the prohibitory clause was struck out, the yeas and nays were required by Mr. Bessford. The vote was:

New Hampshire Mr. Foster, aye.

Massachusetts Mr. Blanchard, aye.

Rhode Island Mr. Partridge, aye.

Connecticut Mr. Ellery, aye.

New York Mr. Sherman, aye.

New Jersey Mr. Wardworth, aye.

Pennsylvania Mr. Dewitt, aye.

Delaware Mr. Payne, aye.

Maryland Mr. Beatty, aye.

Virginia Mr. Dick, aye.

North Carolina Mr. Mifflin, aye.

South Carolina Mr. Montgomery, aye.

Georgia Mr. Hand, aye.

Alabama Mr. (Absent).

Mississippi Mr. Stone, aye.

Florida Mr. Chase, aye.

North Carolina Mr. Jefferson, aye.

South Carolina Mr. Mercer, aye.

Georgia Mr. Monroe, aye.

Alabama Mr. Williamson, aye.

Mississippi Mr. Spaight, aye.

Florida Mr. Read, no.

North Carolina Mr. Bessford, no.

South Carolina (Absent).

Georgia (Absent).

Alabama (Absent).

Mississippi (Absent).

Florida (Absent).

North Carolina (Absent).

South Carolina (Absent).

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shall continue in force for four years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the General Assembly, and public records of the district, and to transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress.

There shall also be appointed a court, to consist of three judges, any two of whom shall form a court, who shall have a common law jurisdiction, whose commissions shall continue in force during good behavior.

The Governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which shall prevail in said district until the organization of the General Assembly, unless disapproved of by the Congress, after which the General Assembly shall have authority to alter, amend, or repeal the same; provided, however, that the General Assembly shall have no power to create perpetuities.

The Governor for the time being shall be commander-in-chief of the militia, and appoint and commission all officers in the same below the rank of general officers; all officers of that rank shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the Governor shall appoint such magistrates and other civil officers in each county or township as he shall find necessary for the preservation of peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary Government, be appointed by the Governor.

The Governor shall, as soon as may be, proceed to lay out the district into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature, so soon as there shall be five thousand free male inhabitants, or such other number as may be determined by the said Assembly; and that the said Governor shall have authority to divide the district into counties and townships, and to alter the same, as he may think proper, subject to the approval of the Legislature.

On the 16th of March, 1785.

A motion was made by Mr. King, seconded by Mr. Ellery, that the following proposition be committed:

"That there shall be neither slavery nor involuntary servitude in any of the States described in the resolve of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes, whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the constitution between the thirteen original States and each of the States described in the said resolve of the 23d of April, 1784."

The motion was, "that the following proposition be committed"—that is, committed to a Committee of the Whole House: it was not "in the nature of an instruction to the Committee on the Western Territory." At that time there was no such committee. It was a separate, independent proposition. The very terms of it show that it was offered as an addition to the resolve of April 23, 1784, with the intention of restoring to that resolve a clause that had originally formed part of it.

Mr. King's motion to commit was agreed to—eight States (New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland) voted in the affirmative, and three States (Virginia, North Carolina, and South Carolina) in the negative. Neither Delaware nor Georgia was represented.

After the commitment of this proposition it was neither called up in Congress nor noticed by any of the committees who subsequently reported plans for the government of the Western Territory.

The subject was not laid over from this time till September, 1786. It is noticed as being before Congress on the 24th of March, the 10th of May, the 13th of July, and the 24th of August of that year.

On the 24th of March, 1786, a report was made by the grand committee of the House, to whom had been referred a motion of Mr. Monroe upon the subject of the Western Territory.

On the 10th of May, 1786, a report was made by another committee, consisting of Mr. Monroe, of Virginia; Mr. Johnson, of Connecticut; Mr. King, of Massachusetts; Mr. Keen, of South Carolina; and Mr. Pinckney, of South Carolina, to whom a motion of Mr. Dane, for considering and reporting the form of a temporary government for the Western Territory was referred. This report, after amendment, was committed on the 13th of July following.

On the 24th of August, 1786, the Secretary of Congress was directed to inform the inhabitants of the Territory of the progress of their consideration of the plan of a temporary government for the said district, and that its adoption will be no longer protracted than the importance of the subject and due regard to their interest may require.

On the 19th of September, 1786, a committee, consisting of Mr. Johnson, of Connecticut; Mr. Pickney, of South Carolina; Mr. Smith, of New York; Mr. Dane, of Massachusetts; and Mr. Henry, of Maryland, appointed to prepare a plan of temporary government for such District or new States as shall be laid out by the United States upon the principles of the acts of cession from individual States, and admitted into the Confederacy," made a report, which was taken up for consideration on the 29th; and, after some discussion and several motions to amend, the further consideration was postponed.

On the 26th of April, 1787, the same committee (Mr. Johnson, Mr. Pickney, Mr. Smith, Mr. Dane, and Mr. Henry) reported "An Ordinance for the government of the Western Territory." It was read a second time and amended on the 9th of May, when the next day was assigned for the third reading. On the 10th, the order of the day for the third reading was called for by the State of Massachusetts, and was postponed. On the 9th and 10th of May, Massachusetts was represented by Mr. Gorham, Mr. King, and Mr. Dane. The proposition which, on Mr. King's motion, was "committed" on the 10th of March of the preceding year, was not in the ordinance, as reported by the committee, nor was any motion made in the Congress to insert it as an amendment.

The following is a copy of the ordinance as amended and ordered to a third reading:

An Ordinance for the Government of the Western Territory.

It is hereby ordained by the United States in Congress assembled, that there shall be appointed, from time to time, a Governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress. There shall be appointed by Congress, from time to time, a Secretary, whose commission

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## RELIGIOUS INTELLIGENCE.

A Word on Temperance.

We do not often address our readers on this subject, for we are aware that the mass of them may fairly be divided into two classes; those who think they do not need anything we might say on the subject, since they do not drink; and those who do not want to hear, and pretty surely will not read, what they expect us to say. Yet this brief article is addressed to those who are opposed to us—to temperate drinkers (as they consider themselves) of intoxicating fluids; and we wish barely to ask them to put themselves in the position of the friends of Total Abstinence, and judge in our case what we ought to do.

Unquestionably there has been more liquor sold and drunk in our State since, than for six months before the repeal of the late Excise Law; unquestionably, the Whiskey traffic is more openly and fearlessly prosecuted everywhere than it was while consumed by law; unquestionably Intemperance is a life among us, and every day making new victims. What ought we to do?

These daily victims of Intoxicating beverages are the relatives, the parents, brothers and children of many of our Temperance Men; they are all somebody's relatives, and their reputation, conduct, prosperity and life of each is dear to many. At the worst, each is a member of the Human Family, and his welfare ought to be cherished by all his brethren of that family.

But throw aside all benevolence and humane interest as cant and sickly sentimentality, and look at the matter in another light. All of us are in some sort taxpayers, and all know that half the cost of our Courts, Alms-Houses, Prisons, is rendered necessary by Intoxicating drinks; and the cost of these, now fearfully large,